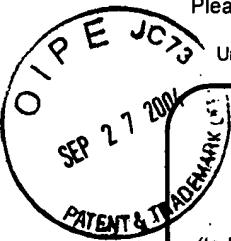


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TRANSMITTAL FORM

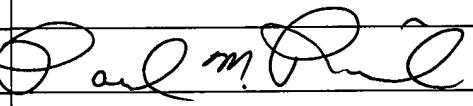
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Patent Number	6,787,574 B1; Appln. No. 09/694,789
		Issue/Filing Date	9/7/2004; 10/24/2000
		First Named Inventor	Charles E. FARLEY et al.
		Group Art Unit	1731
		Examiner Name	J. Fortuna
Total Number of Pages in This Submission	17	Attorney Docket Number	005242.87031

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Application for Patent Term Adjustment Under 37 CFR 1.705(d) and Renewed Application for Patent Term Adjustment Under 37 CFR 1.705(b); exhibits A & B	
		Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul M. Rivard, Reg. No. 43,446
Signature	
Date	September 27, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

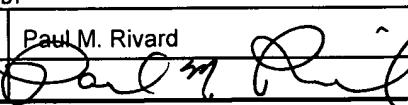
Typed or printed name		
Signature		Date

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 <h1>FEES TRANSMITTAL for FY 2004</h1> <p>Effective 01/01/2003. Patent fees are subject to annual revision.</p> <p>PATENT APPLICANT claims small entity status. See 37 CFR 1.27</p>		Complete if Known	
		Patent/Appn No.	6,787,574 B1; Appn. No. 09/694,789
		Issue/Filing Date	9/07/2004; 10/24/2000
		First Named Inventor	Charles E. FARLEY et al.
		Examiner Name	J. Fortuna
		Art Unit	1731
TOTAL AMOUNT OF PAYMENT (\$)		200.00	
		Attorney Docket No. 005242.87031	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																											
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 19-0733 Deposit Account Name Banner & Witcoff, LTD.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> </tr> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet.</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for reexamination</td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17 (q)</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4">Other fee (specify) 1455 Filing an Application for patent term adjustment 200</td> </tr> <tr> <td colspan="2"> *or number previously paid, if greater; For Reissues, see above </td> <td colspan="2"> Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 200) </td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	1053	130	1053	130	Non-English specification	1812	2,520	1812	2,520	For filing a request for reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	1251	110	2251	55	Extension for reply within first month	1252	420	2252	210	Extension for reply within second month	1253	950	2253	475	Extension for reply within third month	1254	1,480	2254	740	Extension for reply within fourth month	1255	2,010	2255	1,005	Extension for reply within fifth month	1401	330	2401	165	Notice of Appeal	1402	330	2402	165	Filing a brief in support of an appeal	1403	290	2403	145	Request for oral hearing	1451	1,510	1451	1,510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1,330	2453	665	Petition to revive - unintentional	1501	1,330	2501	665	Utility issue fee (or reissue)	1502	480	2502	240	Design issue fee	1503	640	2503	320	Plant issue fee	1460	130	1460	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	1806	180	1806	180	Submission of Information Disclosure Stmt	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	1801	770	2801	385	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	Other fee (specify) 1455 Filing an Application for patent term adjustment 200				*or number previously paid, if greater; 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SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Paul M. Rivard	Registration No. (Attorney/Agent)	43,446	Telephone (202) 824-3000
Signature				Date September 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
Charles E. FARLEY *et al.*)
U.S. Patent No. 6,787,574 B1) Examiner: Fortuna, J.
(Serial No. 09/694,789))
Issued: September 7, 2004) Group Art Unit: 1731
For: EMULSIFICATION OF ALKENYL)
SUCCINIC ANHYDRIDE SIZE)
Atty Dkt No.: 005242.87031

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) AND RENEWED APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(d) of the patent term adjustment indicated on the Issue Notification mailed August 19, 2004 and on the face of the above-captioned patent issued September 7, 2004. Please charge \$ 200 for the petition fee to our Deposit Account 19-0733. If this amount is incorrect, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 for any deficiency or overpayment.

On August 13, 2003 Applicants applied for reconsideration of the patent term adjustment indicated on the Notice of Allowance mailed June 12, 2003. However, Applicants never received a decision on that petition. Applicants hereby renew their August 13, 2003 Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b).

August 13, 2003 Petition

Applicants filed an Application for Patent Term Adjustment Under 37 C.F.R. § 1.705, for the above-identified matter, on August 13, 2003, along with payment of the issue fee and submission of a fee transmittal, which authorized payment for both the issue fee and the patent term adjustment fee to our Deposit Account No. 19-0733. Attached is a copy of the date-stamped green card, along with a copy of the papers as filed on August 13, 2003 (TAB A).

Although the date-stamped green card did not specifically list the Application for Patent Term Adjustment, the U.S. Patent and Trademark Office's PAIR System shows receipt of a "miscellaneous paper" on August 13, 2003, which was the Application for Patent Term Adjustment. Not only was this petition never decided by the Patent and Trademark Office, but the USPTO's misidentification of this paper caused Applicants to be improperly penalized 120 days of Patent Term Adjustment. Attached is a copy of the PTO transaction history and the PTO's patent term adjustment calculation from the PAIR system for the above-identified application (TAB B).

For reasons set forth in the August 13, 2003 petition, the initial Patent Term Adjustment on the Notice of Allowance should have been 63 days instead of 27 days.

Statement of Facts

The Issue Notification indicates the term of adjustment is 175 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 332 days.

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The First Office Action was mailed on February 25, 2002. The First Office Action therefore was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. §1.702(a)(1).

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

Payment of the issue fee was made on August 13, 2003. However, the patent did not issue until September 7, 2004. Under 37 C.F.R. § 1.702(a)(4), a patent should issue no later than four months after the date on which the issue fee was paid, i.e., four months after payment of issue fee would be issuance of no later than December 13, 2003. The patent issued 269 days after December 13, 2003.

The above-captioned patent is not subject to a terminal disclaimer.

Applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. It is axiomatic that the first Application for Patent Term Adjustment filed August 13, 2003 should not be considered a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.705(c)(10). Accordingly, under 37 C.F.R. §§1.703(a)(1) and (6), the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days, plus the number of days between the first day after the

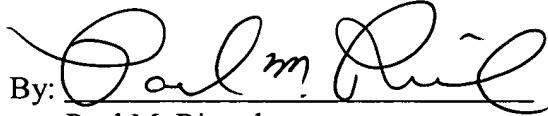
expiration of the 4 month time period after payment of the issue fee and the issue date of the patent, which totals 269 days, for a total Patent Term Adjustment of 332 days.

The above set forth facts clearly support Applicants' position that the proper term adjustment should be 332 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63; (2) the number of days from December 13, 2003 to September 7, 2004 is 269; (3) the Applicants did not engage in any conduct that should be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704; and (4) Applicants timely submitted the first Application for Patent Term Adjustment (at the time of payment of issue fee), and are timely submitting this Application for Patent Term Adjustment (within 30 days from date of issuance of patent, i.e., on or before October 7, 2004.)

Applicants respectfully submit that the correct Patent Term Adjustment should be 332 days. A Notice to this effect is respectfully requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 
Paul M. Rivard
Registration No. 43,446

Date: September 27, 2004

1001 G Street, N.W.
Washington, DC 20001-4597
(202) 824-3000 (main)
(202) 824-3001 (facsimile)

Customer No. 22907

PATEI DESIGN B&W Ref. 005242.87031 Date 8/13/03
 HAND CARRY Group/Section Bldg _____ Rm _____
 Serial/Patent No. 09/694,789 Atty/Sec PMR/sqs
 Inventor Charles Farley et. al. Client G-P
 Title _____



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total pp Spec., including : # of Claims _____
 (# of independent claims _____); Abstract
 Drawings : Formal Informal
 # of distinct sheets _____ : Figs. _____
 Declaration/Power of Attorney : Executed Unexecuted
 Assignment w/PTO Cover Sheet
 IDS w/PTO 1449 References w/Fee
 Preliminary Amendment
 Priority Claim (Foreign or U.S. Provisional) B&W # _____

Country	Appl. #	Date
<input type="checkbox"/> w/Foreign Priority Document(s)		
<input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional Parent Ser. No. _____ B&W# _____		
<input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet		
<input type="checkbox"/> Response to Missing Parts/Requirements dd _____		
<input type="checkbox"/> Response to Notice to File Corrected Appln. Papers dd _____		
<input type="checkbox"/> Request for Expedited Foreign Filing License		
<input type="checkbox"/> Request for Corrected : <input type="checkbox"/> Filing Receipt <input type="checkbox"/> Assignment		
<input type="checkbox"/> Response to Restriction/Election Requirement		

Sequence Listing : Diskette Paper
 Amendment Response : OA dd _____
 Petition for Extension of Time until _____
 CPA RCE w/Ext of Time : OA dd _____
 Request for Approval of Drawing Changes
 Notice of Appeal & Fee
 Brief : Appeal & Fee Reply
 Request for Oral Hearing
 Issue Fee Advance Patent Copies (# ordered _____)
 Notice of Allowance dd June 12, 2003
 Amendment under 37 CFR 1.312
 Request for Certificate of Correction
 Transmittal Fee Transmittal w/Auth. to Charge Deposit Acct.
 Certificate of Mailing
 Check # _____ for \$ _____

B&W Rev. 5/01

PATENT DESIGN B&W Ref. 005242.87031 Date 8/13/03
 HAND CARRY Group/Section Bldg _____ Rm _____
 Serial/Patent No. 09/694,789 Atty/Sec PMR/sqs
 Inventor Charles Farley et. al. Client G-P
 Title _____

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

total pp Spec., including : # of Claims _____
 (# of independent claims _____); Abstract
 Drawings : Formal Informal
 # of distinct sheets _____ : Figs. _____
 Declaration/Power of Attorney : Executed Unexecuted
 Assignment w/PTO Cover Sheet
 IDS w/PTO 1449 References w/Fee
 Preliminary Amendment
 Priority Claim (Foreign or U.S. Provisional) B&W # _____

Country	Appl. #	Date
<input type="checkbox"/> w/Foreign Priority Document(s)		
<input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional Parent Ser. No. _____ B&W# _____		
<input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet		
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 Transmittal Fee Transmittal w/Auth. to Charge Deposit Acct.
 Certificate of Mailing
 Check # _____ for \$ _____



B&W Rev. 5/01

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

SEP 27 2000

PATENT & TRADEMARK
OFFICE Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 1600)

Complete If Known	
Application Number	09/694,789
Filing Date	October 24, 2000
First Named Inventor	Charles E. Farley et al.
Examiner Name	J. Fortuna
Art Unit	1731
Attorney Docket No.	005242.87031

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Other None
Order
 Deposit Account:Deposit Account Number
19-0733Deposit Account Name
Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0)	

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		0	X	0
		0	X	0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

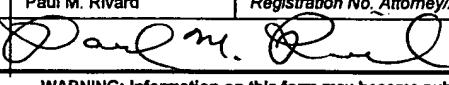
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for expedited reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	1300
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <u>Patent Term Adjustment Fee</u>		300	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1600)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 824-3100
Signature			Date	8/13/03	

WARNING: Information on this form may become public. Credit card information should not be included on this form.

Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
Alexandria, Virginia 22313-1450
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly print, type, or use corrections or use Block 1)
 7590 06/12/2003

Banner & Witcoff, Ltd.
 1001 G Street, N.W.
 Washington, DC 20001-4597



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,789	10/24/2000	Charles E. Farley	05242.87031	8595

TITLE OF INVENTION: EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	09/12/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FORTUNA, JOSE A	1731	516-015000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1. <u>Banner & Witcoff, Ltd.</u> 2. _____ 3. _____	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Georgia-Pacific Resins, Inc.

Atlanta, GA (U.S.A.)

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 19-0733 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)  (Date) 8/13/03
 Paul M. Rivard, Reg. No. 43,446

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Charles E. FARLEY *et al.*)
Serial No. 09/694,789)
Filed: October 24, 2000)
For: EMULSIFICATION OF ALKENYL)
SUCCINIC ANHYDRIDE SIZE)
)

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)

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)

Examiner: Fortuna, J.
Group Art Unit: 1731
Atty Dkt No.: 005242.87031

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) of the patent term adjustment indicated on the notice of Determination of Patent Term Adjustment mailed June 12, 2003 ("Notice") in the above-captioned application.

The Notice set the term adjustment at 27 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 63 days.

As indicated below, the first Office Action was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. §1.702(a)(1).

The applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. Accordingly, under 37 C.F.R. §§1.702(a)(1) and 1.703(a)(1) the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days.

A statement of the facts is as follows:

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The first Office Action was mailed on February 25, 2002.

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

The above-captioned application is not subject to a terminal disclaimer.

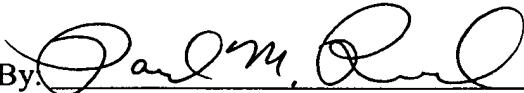
The above set forth facts clearly support Applicants' position that the proper term adjustment should be 63 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63 and (2) the Applicants did not engage in any conduct that could be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704.

Applicants also submit herewith a Fee Transmittal authorizing the requisite fee under 37 C.F.R. § 1.18(e) (\$200) to be charged to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 as appropriate.

Applicants respectfully submit that the correct Patent Term Adjustment should be 63 days. A Notice to this effect and a correction of the patent term adjustment are requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By 

Paul M. Rivard
Registration No. 43,446

Date: August 13, 2003

1001 G Street, N.W.
Washington, DC 20001-4597
(202) 824-3000 (main)
(202) 824-3001 (facsimile)

Customer No. 22907



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09/694,789

EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

Application Data

Application Number:	09/694,789	Customer Number:	-
Filing or 371 (c) Date:	10-24-2000	Status:	Patented Case
Application Type:	Utility	Status Date:	08-19-2004
Examiner Name:	FORTUNA, JOSE A	Location:	ELECTRONIC
Group Art Unit:	1731	Location Date:	-
Confirmation Number:	8595	Earliest Publication No:	-
Attorney Docket Number:	05242.87031	Earliest Publication Date:	01-01-0001
Class / Subclass:	516/015	Patent Number:	6,787,574
First Named Inventor:	Charles Farley , Conyers, GA	Issue Date of Patent:	09-07-2004
Title of Invention:	EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE		

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09/694,789 EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

Transaction History

Date	Contents Description
09-07-2004	Recordation of Patent Grant Mailed
08-19-2004	Issue Notification Mailed
09-07-2004	Patent Issue Date Used in PTA Calculation
08-12-2004	Receipt into Pubs
08-11-2004	Dispatch to FDC
08-14-2003	Mailroom Date of Issue Fee Payment
08-10-2004	Receipt into Pubs
08-13-2003	Miscellaneous Incoming Letter
11-07-2003	Application Is Considered Ready for Issue
08-13-2003	Mailroom Date of Issue Fee Payment
10-23-2003	Receipt into Pubs
08-13-2003	Issue Fee Payment Recorded
07-25-2003	Workflow - File Sent to Contractor
06-12-2003	Mail Notice of Allowance
06-12-2003	Notice of Allowance Data Verification Completed
06-12-2003	Case Docketed to Examiner in GAU
06-12-2003	Notice of Allowability
06-09-2003	Date Forwarded to Examiner
05-27-2003	Amendment after Final Rejection
03-17-2003	Mail Examiner Interview Summary (PTOL - 413)
03-17-2003	Mail Final Rejection (PTOL - 326)
03-14-2003	Final Rejection
03-05-2003	Date Forwarded to Examiner
03-04-2003	Amendment after Final Rejection
05-21-2002	Examiner Interview Summary Record (PTOL - 413)
12-04-2002	Mail Final Rejection (PTOL - 326)
12-02-2002	Final Rejection
09-20-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
06-05-2002	Mail Non-Final Rejection
05-29-2002	Non-Final Rejection
03-27-2002	Date Forwarded to Examiner
03-20-2002	Response to Election / Restriction Filed

02-25-2002	Mail Restriction Requirement
02-25-2002	Requirement for Restriction / Election
04-26-2001	Information Disclosure Statement (IDS) Filed
06-12-2001	Case Docketed to Examiner in GAU
04-19-2001	Application Dispatched from OIPE
04-16-2001	Application Is Now Complete
12-11-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
12-11-2000	Correspondence Address Change
12-11-2000	Correspondence Address Change
11-06-2000	IFW Scan & PACR Auto Security Review
10-24-2000	Initial Exam Team nn

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09/694,789 EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/694,789			
			Days
Filing or 371(c) Date:	10-24-2000	USPTO Delay (PTO):	331
Issue Date of Patent:	09-07-2004	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	156
Post-Issue Petitions (days):	+0	Total PTA:	175
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
09-07-2004	Patent Issue Date Used in PTA Calculation	268	
08-18-2004	PTA 36 Months	↑	
08-12-2004	Receipt into Pubs	↑	
08-11-2004	Dispatch to FDC	↑	
08-10-2004	Receipt into Pubs	↑	
11-07-2003	Application Is Considered Ready for Issue	↑	
10-23-2003	Receipt into Pubs	↑	
08-14-2003	Mailroom Date of Issue Fee Payment	↑	
08-13-2003	Miscellaneous Incoming Letter	↑	120
08-13-2003	Mailroom Date of Issue Fee Payment	↑	
08-13-2003	Issue Fee Payment Recorded	↑	
07-25-2003	Workflow - File Sent to Contractor	↑	
06-12-2003	Mail Notice of Allowance	↑	
06-12-2003	Notice of Allowance Data Verification Completed	↑	
06-12-2003	Case Docketed to Examiner in GAU	↑	
06-12-2003	Notice of Allowability	↑	
06-09-2003	Date Forwarded to Examiner	↑	
05-27-2003	Amendment after Final Rejection	↑	
03-17-2003	Mail Examiner Interview Summary (PTOL - 413)	↑	
03-17-2003	Mail Final Rejection (PTOL - 326)	↑	
03-14-2003	Final Rejection	↑	
03-05-2003	Date Forwarded to Examiner	↑	
03-04-2003	Amendment after Final Rejection	↑	
12-04-2002	Mail Final Rejection (PTOL - 326)	↑	
12-02-2002	Final Rejection	↑	
09-20-2002	Date Forwarded to Examiner	↑	
09-05-2002	Response after Non-Final Action	↑	
09-05-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	↑	
06-05-2002	Mail Non-Final Rejection	↑	

05-29-2002	Non-Final Rejection	↑
05-21-2002	Examiner Interview Summary Record (PTOL - 413)	↑
03-27-2002	Date Forwarded to Examiner	↑
03-20-2002	Response to Election / Restriction Filed	↑
02-25-2002	Mail Restriction Requirement	63
02-25-2002	Requirement for Restriction / Election	↑
06-12-2001	Case Docketed to Examiner in GAU	↑
04-26-2001	Information Disclosure Statement (IDS) Filed	↑
04-19-2001	Application Dispatched from OIPE	↑
04-16-2001	Application Is Now Complete	↑ 36
12-11-2000	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑ ↑
12-11-2000	Correspondence Address Change	↑
12-11-2000	Correspondence Address Change	↑
11-06-2000	IFW Scan & PACR Auto Security Review	↑
10-24-2000	Initial Exam Team nn	↑

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